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## DIGEST

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HB No. 766

**Abstract:** Amends the time limitations within which surcharges become payable to the Patient's Compensation Fund and provides for the proper parties to remit the surcharge. Relative to both private and state medical review panels, provides for the use of peremptory exceptions without necessity of first completing review by the medical review panel.

Present law provides for public policy for open meetings, executive session, exceptions to open meetings, and procedural requirements of open meetings. Further provides for enforcement, remedies, venue, and civil penalties for noncompliance. Provides that the Patient's Compensation Fund Oversight Board meetings shall not be subject to the Open Meetings Law.

Proposed law retains present law and makes a technical correction, clarifying that the board shall not be subject to civil penalties for violations of the Open Meetings Law.

Present law provides for the operation of the Patient's Compensation Fund.

Proposed law retains present law but changes the time limitation within which surcharges become payable to the Patient's Compensation Fund from 45 days to 30 days and designates an agent of an insurer as a proper party to remit the surcharge. Further provides that a health care provider provide a copy of his qualification status and the petition for damages to the board when it intervenes in a civil action.

Present law provides for the operation of the medical review panel and the state medical review panel.

Proposed law retains present law and requires the name of only one patient be included in a request for review of a malpractice claim. If the claim involves the care of a pregnant mother and her unborn child, the naming of the mother as the patient shall suffice. Provides for return of any filing fees within 30 days for review of a malpractice claim received after the 45-day time limitation provided in present law. Further provides that a health care provider may raise any peremptory exception in a civil action without first completing the review process with the review panel.

Present law provides for notice of dissolution of the medical review panel by the attorney chairman of the board.

Proposed law corrects a typographical error in present law providing for notice of dissolution to

be made by the attorney chairman or the board.

(Amends R.S. 40:1299.39.1(A)(1)(b)(ii) and (B)(2), 1299.44(A)(3), (D)(2)(b)(xiv) and (5), 1299.47(A)(1)(b)(ii) and (B)(2) and (3); Adds R.S. 40:1299.39.1(A)(6) and 1299.47(A)(6); Repeals R.S. 40:1299(A)(7)(e))

## Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Added provision that a claim involving a pregnant mother and her unborn child may be brought in the name of the mother only.
2. Corrected a typographical error in present law requiring notice of dissolution of the medical review panel by the "attorney chairman of the board" to "attorney chairman or the board".
3. Relative to the Patient's Compensation Fund, provided that the failure to timely pay present law surcharges may subject the insurer, agent of the insurer, risk manager, or surplus line agent to a penalty.

## House Floor Amendments to the engrossed bill.

1. Added provision that the name of only one patient be included in a request for review of a malpractice claim. If the claim involves the care of a pregnant mother and her unborn child, the naming of the mother as the patient shall suffice.
2. Provided for return of any filing fees within 30 days for review of a malpractice claim received after the 45-day time limitation provided in present law.
3. Added provision that a health care provider may raise any peremptory exception in a civil action without first completing the review process with the review panel and provided for dissolution of the panel if the exception is granted.